

House Bill 1644 (AS PASSED HOUSE AND SENATE)

By: Representative Lane of the 167<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for McIntosh County and to provide for its  
2 powers and duties; to provide for definitions; to provide for the composition of the board and  
3 the selection and appointment of members; to provide for the qualification, terms, and  
4 removal of members; to provide for oaths and privileges; to provide for meetings,  
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for  
6 the transfer of functions to the newly created board; to provide for expenditures of public  
7 funds; to provide for compensation of members of the board; to provide for offices and  
8 equipment; to provide for personnel and compensation; to provide for the board's  
9 performance of certain functions and duties for certain municipalities; to provide for related  
10 matters; to provide effective dates; to provide for submission under the Voting Rights Act  
11 of 1965, as amended; to repeal a specific Act; to repeal conflicting laws; and for other  
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the  
16 Board of Elections and Registration of McIntosh County, hereinafter referred to as "the  
17 board." The board shall have the powers and duties of the former superintendent of elections  
18 of McIntosh County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election  
19 Code," relating to the conduct of primaries and elections and the former board of registrars  
20 of McIntosh County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election  
21 Code," relating to the registration of electors and absentee voting.

22 **SECTION 2.**

23 The terms "election," "elector," "political party," "primary," and "public office" shall have  
24 the same meaning as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election

Code," unless otherwise clearly apparent from the text of this Act, and the term "commissioners" means the Board of Commissioners of McIntosh County and "county" means McIntosh County.

### SECTION 3.

(a) The board shall be composed of seven members, each of whom shall meet the applicable eligibility requirements under Article 1 of Chapter 2 of Title 45 of the O.C.G.A., Code Section 21-2-75 of the O.C.G.A., and other general law, and shall be qualified and selected in the following manner:

(1) Four members shall be appointed by the county executive committee of the political party whose candidate at the last preceding general election received the largest number of votes in this state for the officer of Governor;

(2) Three members shall be appointed by the county executive committee of the political party whose candidate at the last preceding general election received the next largest number of votes in this state for the election of Governor;

(3) Each of the appointments made by the respective executive committees shall have been ratified by a majority of the members of each such respective executive committee voting at a meeting called and held for such purposes. In the event such appointments are not ratified by a majority of the members of such executive committee, then such members shall be appointed by the judge of the probate court of McIntosh County;

(4) At the first meeting of each calendar year, the members of the McIntosh County Board of Elections and Registration shall select one of their members of the board to serve as chairperson and one of their members to serve as secretary;

(5)(A) The initial appointments to the board shall be made no later than January 1, 2007;

(B) Of the four initial members appointed by the executive committee of the political party whose candidate at the last preceding election received the largest number of votes in this state for the office of Governor, two of the persons so appointed, who shall be designated by the executive committee, shall serve a term of office beginning on January 1, 2007, and expiring on December 31, 2011, and two of the persons so appointed, who shall be designated by the executive committee, shall serve a term of office beginning on January 1, 2007, and expiring on December 31, 2009.

(C) Of the three initial members appointed by the executive committee of the political party whose candidate at the last preceding election received the next largest number of votes in this state for the office of Governor, two of the persons so appointed, who shall be designated by the executive committee, shall serve a term of office beginning

on January 1, 2007, and expiring on December 31, 2011, and one of the persons so appointed, who shall be designated by the executive committee, shall serve a term of office beginning on January 1, 2007, and expiring on December 31, 2009.

(D) All such persons so appointed shall serve for the initial terms specified and until their successors are duly appointed and qualified;

(6) After the initial term of office, successors to members whose terms are about to expire shall be appointed to take office on the first day of January immediately following the expiration of a term of office and shall serve a term of four years each and until their successors are duly appointed and qualified;

(7) Appointments on behalf of political parties that do not have executive committees in McIntosh County shall be made by the state executive committee of such party; and

(8) Each member of the board shall successfully complete all mandatory training by achieving a passing score on any test administered as a part of such training. Any board member who fails to successfully complete such training and achieve a passing score of any test administered as a part of such training shall stand immediately terminated and shall be replaced by the authority appointing such board member. Any such appointment shall be to fill the unexpired term of the member replaced.

#### SECTION 4.

The appointing authorities shall certify the appointment of each member of the board by filing an affidavit with the clerk of the Superior Court of McIntosh County no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars. If any appointing authority does not, in conformity with this Act, certify an appointment to the board within 30 days after the beginning of a term of office or within 30 days after the creation of a vacancy in that office, a vacancy shall be deemed to have been thereby created and the judge of the probate court of McIntosh County shall fill that vacancy by making the appointment thereto and shall certify it as provided in this section. Any person appointed to fill a vacancy shall serve out the unexpired term of office.

#### SECTION 5.

1 Each member of the board shall be eligible to serve successive terms without limitation and  
2 shall have the right to resign at any time by giving written notice of such resignation to the  
3 appointing authority and to the clerk of the Superior Court of McIntosh County. Each  
4 member shall be subject to removal from the board at any time, for cause, after notice and  
5 hearing, by the chief judge of the Superior Court of the Atlantic Judicial Circuit in the same  
6 manner and by the same authority as provided for the removal of registrars.

#### 7 **SECTION 6.**

8 In the event a vacancy occurs in the office of any board member before the expiration of his  
9 or her term, by removal, death, resignation, or otherwise, the vacancy shall be filled for the  
10 remainder of the unexpired term by the appointing authority for that position on the board.  
11 The clerk of the superior court shall be notified of such interim appointment and record and  
12 certify such appointment in the same manner as the regular appointment of members.

#### 13 **SECTION 7.**

14 Before entering upon the member's duties, each member shall take substantially the same  
15 oath as required by law for registrars and shall have the same privileges from arrest.

#### 16 **SECTION 8.**

17 (a) The board shall be authorized to organize itself, determine its procedural rules and  
18 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise  
19 take such action as is appropriate to the management of the affairs committed to its  
20 supervision; provided, however, that no such action shall conflict with state law. Action and  
21 decision by the board shall be by a majority of the members of the board. The board shall  
22 be responsible for the selection, appointment, and training of poll workers in primaries and  
23 elections and such workers shall be appointed, insofar as practicable, from lists provided to  
24 the board by the county executive committee of each political party.

25 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,  
26 directives governing the execution of matters within its jurisdiction. The board shall hold  
27 regular meetings each month and more often if needed in the opinion of the members. The  
28 time of such meetings shall be set by the board. Any specially called meeting shall be called  
29 by the chairperson or any three members of the board. The board shall maintain a written  
30 record of policy decisions amended to include additions or deletions. Such written records  
31 shall be made available for the public to review.

32 (c) Members of the board shall receive \$55.00 per day for each day of service on the board.  
33 The chairperson and the secretary shall receive \$75.00 per day for each day of service on the

1 board. On primary and election days and during the period of advance voting pursuant to  
2 subsection (b) of Code Section 21-2-380 of the O.C.G.A., the chairperson and members of  
3 the board shall be compensated at the rate of \$10.00 per hour. The hours of service shall be  
4 certified to the commissioners by the chairperson of the board.

#### 5 **SECTION 9.**

6 The board shall have the authority to contract with any municipality located within McIntosh  
7 County for the holding by the board of any primary or election to be conducted within such  
8 municipality.

#### 9 **SECTION 10.**

10 (a) An elections supervisor shall be employed by the governing authority of McIntosh  
11 County who shall generally supervise, direct, and control the administration of the affairs of  
12 the board pursuant to law and duly adopted resolutions of the board. The election supervisor  
13 shall not be a member of the board. The election supervisor shall be considered an employee  
14 of McIntosh County and shall be entitled to the same benefits as other employees of  
15 McIntosh County. The election supervisor shall be subject to all personnel and policy  
16 procedures of McIntosh County. The election supervisor shall maintain regular office hours  
17 as directed by the governing authority of McIntosh County.

18 (b) The supervisor of elections shall not be an active member of any political party or body.

19 (c) Upon indictment of any felony involving election fraud or moral turpitude, the election  
20 supervisor shall be terminated from the position as a matter of law. Such vacancy shall be  
21 filled within ten business days following the occurrence of such vacancy.

22 (d) The board is authorized, with the approval of the commissioners, to employ additional  
23 clerical assistants as needed to carry out the duties and functions of the board. All such  
24 clerical assistants shall be considered employees of McIntosh County and shall be entitled  
25 to the same benefits as other employees of McIntosh County. Any clerical assistants shall  
26 be subject to all personnel and policy procedures of McIntosh County. Upon indictment of  
27 any felony involving election fraud or moral turpitude, a clerical assistant shall resign or be  
28 terminated from his or her position.

#### 29 **SECTION 11.**

30 Compensation for the members of the board, election supervisor, clerical assistants, and other  
31 employees shall be fixed by the board of commissioners in accordance with the provisions  
32 of this Act. Such compensation shall be paid wholly from county funds.

**SECTION 12.**

(a) The Board of Commissioners of McIntosh County shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the Board of Commissioners of McIntosh County deems appropriate.

(b) The commissioners shall also cause periodic audits to be made of the board and its offices.

**SECTION 13.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2007. Upon this Act becoming fully effective, the superintendent of elections of McIntosh County and the board of registrars of McIntosh County shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties.

**SECTION 14.**

The governing authority of McIntosh County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

**SECTION 15.**

That Act providing for a board of elections for McIntosh County, approved April 6, 1992 (Ga. L. 1992, p. 5593) is repealed on January 1, 2007.

**SECTION 16.**

All laws and parts of laws in conflict with this Act are repealed.